

**MINUTES  
TOWN OF INDIAN RIVER SHORES  
REGULAR TOWN COUNCIL MEETING  
Thursday, July 28, 2005**

PRESENT: Thomas W. Cadden, Mayor  
David J. Becker, Vice Mayor  
William H. Ahrens  
Frances F. Atchison  
E. William Kenyon

STAFF PRESENT: Peter Sweeney, Esq., Representing Town Attorney  
Robert J. Bradshaw, Town Manager  
Barbara Readdy, Town Clerk  
Richard Jefferson, Building Official  
Hugh Cox, Director, Public Safety

ALSO PRESENT: Paul Shamoun, Retirement Services Mgr., Florida League of Cities

The regular Town Council meeting was called to order by Mayor Cadden on July 28, 2005 at 3:30 p.m.

Pledge of Allegiance  
Invocation - Councilman Kenyon  
Roll Call

Mayor Cadden asked the Council for a modification to the agenda to place the Pension Trustee Board ahead of the Planning, Zoning and Variance Board, as Paul Shamoun from the Florida League of Cities was present and needed to depart on a flight back to Tallahassee soon. The Council agreed.

Consent Agenda:

- a. Approval of Regular Town Council Meeting Minutes of June 30, 2005
- b. Accepting and Filing of Planning, Zoning and Variance Board Minutes of June 13, 2005
- c. Accepting and Filing of Code Enforcement Board minutes of June 29, 2005
- d. Approval of invoice for legal fees of Chester Clem, Town Attorney
- e. Approval of invoice for legal fees of David Richeson, Town Labor Attorney

A **MOTION** was made by Mr. Kenyon, supported by Dr. Becker, **to accept the Consent Agenda** as presented. There was no discussion. The **motion carried with unanimous voice vote.**

### **Pension Trustee Board**

Mayor Cadden spoke about the meeting of the Pension Trustee Board yesterday and in particular about the Florida League of Cities becoming the Administrator for the pension plans. A lot of difficulty has been faced in having the current Administrator, Principal, as they are primarily a corporate pension plan administrator. Much money has been spent in attorney fees for Mr. Cohen in trying to bring the Plan's language into compliance with State laws concerning government pension plans. The Florida League of Cities (FLC) is very experienced in setting up plans for small municipalities, and Paul Shamoun made an excellent presentation, Mayor Cadden added. There seemed to be a consensus at the conclusion of the Pension Board meeting by the majority of the Public Safety that this is the appropriate move for the Town. The Mayor added that he had made a statement in the meeting that he was "thrilled" that we would be voting on the plan administration.

Paul Shamoun, the Retirement Services Manager from the FLC, introduced himself and stated that he manages the Florida Municipal Pension Trust Fund for the League. Currently they manage about 160 plans, 46 of which are Defined Benefit Plans and the other 115 or so are Deferred Comp or Defined Contribution plans. About 30 of the 46 plans are for police or fire department plans, and include the Chapter 175 / 185 requirement. The Town's current plan is written under ERISA guidelines, which does not apply to local governments at all, Mr. Shamoun stated. The League provides a completely bundled retirement service package, and most plans have to contract with about five or six vendors. The FLC coordinates this for their customers, and the expense for such contractors is shared by the members in the pooled Trust in a very cost effective manner. The Board of Trustees is comprised of five elected officials that are from the participating cities. There is an Advisory Committee for the League, which is made up of eight of the top finance directors in the State that reviews each recommendation before it comes to the Board at the FLC. Mr. Shamoun explained how they operate in a conservative manner, emphasizing constant and steady growth through five separate portfolios (Bond Fund, Large Cap, Small Cap, Russell 1000 Index Fund, and an International Fund). Because they are with the League of Cities, they are a non-profit, tax-exempt entity and have fees typically 40% lower than anywhere else. The Mayor or any member of the Board has the opportunity to go "to the top" and talk to Mike Sittig if there were ever any cause for concern. Dr. Becker added that he was also impressed by the presentation yesterday with the educational function of the organization, that they have ready availability for training.

Mr. Shamoun said that the discussion thus far has centered around the Defined Benefit Plan side, and the Defined Contribution and Deferred Comp options allow the employees

to manage their own accounts on the web 24 hours a day. Each quarter a hired consultant reviews all of the mutual funds for performance, and account representatives are readily available to meet with the employees. There are also about 40 different educational seminars that are offered for the employees. The fees were discussed, with Mayor Cadden stating that a fee letter was just received from Principal, and the FLC's fees are \$1,000 less. Careful review has not revealed any exit fees with Principal.

Mayor Cadden asked Mr. Shamoun to go over the 175 / 185 benefit plan for the Council. Mr. Shamoun said that these Chapters in the State Statutes govern police and fire Pension Trust Funds, and primarily distribute excise taxes that are collected by the State to increase benefits in the retirement plans for these departments. The FLC is very familiar with these plans and handles all of the reporting requirements for them. Mayor Cadden said that the Town would probably retain its own Pension Board, but Tallahassee monitors the changes and we would not have to pay our attorney to do this. Mr. Shamoun said that they have draft ordinances that they have paid for that are shared with plan participants when the need arises, which also saves on attorney fees.

Mr. Ahrens asked how we determine which funds are from taxes collected from Indian River Shores residents, and Mr. Shamoun said that it was recently based on zip codes, but was changed by law last year to use the Telecommunications Tax database, and the Dept. of Revenue knows where you live. Within about two years this should be totally accurate.

Mayor Cadden handed out a Resolution that gives authority to Mr. Shamoun to begin the paperwork to set up our pension plan and the Town Manager the opportunity to write to Principal, notifying them of our intent to switch Plan Administrators. The Pension Board has suggested that the Town pick up the cost if Principal charges a nominal amount of money to discontinue their service. We would like to have the transfer done by October 1<sup>st</sup>, the beginning of the fiscal year, Mayor Cadden concluded. Mr. Shamoun said that at the August or September Council meeting, if the Council agrees to use the services of the FLC, he would have the new Plan documents ready for adoption. He would continue to work with Mr. Cohen to ensure that everything that is included in the Principal plan documents is included, with no change in benefits at this point.

Mr. Kenyon made a **MOTION to adopt Resolution 05-10**, seconded by Dr. Becker. The **motion carried by unanimous voice vote**. Mayor Cadden thanked Mr. Shamoun again for his time, and apologized to the P&Z for the adjustment in the agenda.

### **Planning, Zoning and Variance Board:**

Mr. Jefferson said that the variance on the agenda for a 1.62' setback encroachment at North property line located at 341 Sable Palm Lane had been approved by the P&Z Variance Board, as it was under 5', and did not require Council's approval.

**Town Attorney:**

- a. First Reading and Public Hearing - Ordinance No. 480 – amending Chapter 167 of the Land Development Code to conform to new State Administrative rules and the St. Johns River Water Management District Wetland Protection Standards. Mr. Peter Sweeney, standing in for Town Attorney Clem, read the Ordinance by title only as stated above. The Public Hearing was opened for comment, and there being none, the Public Hearing was closed. A **MOTION** was made by Mrs. Atchison, supported by Mr. Ahrens, to approve the first reading of Ordinance No. 480. **The motion carried by unanimous voice vote.** Mr. Sweeney noted that this Ordinance was proposed by Mr. Solin, the Town Planner, and has been heard and approved by the Planning, Zoning, and Variance Board.
- b. First Reading and Public Hearing on Ordinance No. 481 - amending the Land Development Code to incorporate the Florida Department of Environmental Protection best management practices and to ensure the national pollutant discharge elimination system requirements are included. Mr. Sweeney read the title of the Ordinance as stated above, and the Mayor opened the Public Hearing for comment. Hearing no comment, the Public Hearing was closed. A **MOTION** by Dr. Becker, supported by Mr. Kenyon, to approve Ordinance No. 481 on first reading was made. **The motion carried with unanimous voice vote.**
- c. Second Reading – Ordinance No. 478 – amending the zoning map of the Town. Mayor Cadden asked for any questions or comments on this Ordinance, and there were none. A **MOTION** was made by Mr. Kenyon, supported by Mrs. Atchison, to approve the second reading of Ordinance No. 478. **The motion carried with unanimous voice vote.**
- d. Second Reading – Ordinance No. 479 – regulating the mooring and use of vessels within the navigable waterways of the Town. Upon reading of the title of the Ordinance as stated above by Mr. Sweeney, Mayor Cadden asked for any comments. There being none, he received a **MOTION** by Mr. Kenyon supported by Mr. Ahrens to approve the second reading of Ordinance No. 479. **The motion carried with unanimous voice vote.**
- e. Pre-storm construction site - Mayor Cadden asked Mr. Sweeney if he had been given any information on the pre-storm construction site, and he replied that a Resolution had been forwarded to the Mayor on July 27<sup>th</sup>. The Mayor had not received it yet, explaining that this has to do with upcoming storms and people leaving construction materials on roofs and in the dumpsters. Liability issues for the Town must be addressed with strong language. This will be worked with the Building Official's involvement.

## **Town Manager**

- a. Mr. Bradshaw said that this was to approve the tentative millage rate that was discussed at the Budget Workshop, with the rate being proposed remaining the same as it has been for the past two years of 1.4730. A motion to approve the two required public hearing dates of Thursday, September 8<sup>th</sup> at 5:05 p.m. and Thursday, September 22<sup>nd</sup> at 5:05 p.m. was requested. Mr. Kenyon made a **MOTION** to approve setting the tentative millage rate at 1.4730, which was supported by Dr. Becker. The **motion carried with unanimous voice vote**. Mayor Cadden and Mr. Ahrens discussed the newspaper article briefly about the millage rate. A **MOTION** was made to approve the public hearing meeting dates of September 8, 2005 and September 22, 2005 by Mrs. Atchison, supported by Dr. Becker. The **motion carried by unanimous voice vote**.

## **Call to Council:**

Metropolitan Planning Organization - Dr. Becker reported that they met but did not discuss anything not previously reported.

Treasure Coast Regional Planning Council - Mr. Ahrens stated that there would be a joint meeting on August 1<sup>st</sup> of the Treasure Coast Regional Planning Council and the South Florida Regional Planning Council.

Beach and Shore Preservation - There is no projected meeting right now for the Beach and Shore Preservation except that there will be a State-wide Council for the Beach and Shore Preservation on August 28<sup>th</sup> at the Reef Resort in Key Largo.

Land Acquisition Advisory Committee - Mrs. Atchison said that the LAAC did not meet, but asked to discuss another item. After the Mayor's approval to proceed, Mrs. Atchison asked that a line item be added to the Public Safety Department budget for an emergency vehicle fund using monies raised by charging for EMS transport fees when transported to the hospital, not for service calls to residents. She gave a background of her experience with security at John's Island, and conversations with Chief Cox about the cost of replacement vehicles (\$100,000 - \$500,000) and with the Town Manager, who informed her that Dr. Becker had also brought this up in the past. Mrs. Atchison asked for Public Safety to charge based on three levels of care provided during transport following current charges by the County for ambulance service, which are \$190, \$235 and \$280. These fees are aligned with Medicare benefits, according to the Director of Emergency Services for Indian River County. There is about a 67% collection rate of these fees. Using 2004 figures, the Town of Indian River Shores would have collected \$51,193 at the 67% collection level. The County uses an outside source to administer this activity. Mrs. Atchison concluded that this would position the Town in a responsible manner for the

future, and asked for Council discussion. Mr. Kenyon thought it was a little harsh to ask for payment from citizens in a crisis who may not be eligible for reimbursement. Mrs. Atchison asked Dr. Becker for input, who said that he had explored this in 2003. Residents understand when it is explained that taxation helps to pay for the equipment, but the service fee is not covered and this type of fee helps to pay for service. Dr. Becker explained more about the insurance notification and collection. Mr. Sweeney added that in Martin County, they are proposing a flat rate of \$335 plus \$8 per mile for transport. Mrs. Atchison said that anyone would be charged elsewhere in the County for this service except in Indian River Shores. The solvency of the Town was discussed, along with quality of our service, and the resident's ability to pay for it. Councilman Ahrens suggested it would have less of a psychological impact to collect via a small increase on the millage rate rather than imposing a service charge to the citizen. Mr. Bradshaw asked for direction to the staff, and the Mayor directed staff to have Brian Burkeen, Director of Indian River County Emergency Management Services, to attend the next Town Council meeting on August 25<sup>th</sup> to answer any questions on this matter.

Treasure Coast Council of Local Governments - Mayor Cadden reported this group did not meet, but that the next meeting is going to be held in Ft. Pierce. The Town Manager added that three seats had been reserved for him and the Vice Mayor attending in the Mayor's stead, as he would be out of town. The Mayor encouraged another Council member to attend.

The meeting adjourned at 4:28 p.m.

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Barbara A. Readdy, Town Clerk

(Prepared by Laura Aldrich)